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Chambers of Vincent L. Briccetti

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

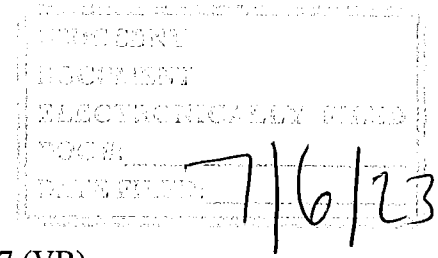
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DESEAN J. OWENS,
Plaintiff,

v.

IMAM MALIK KEDAR and ORANGE
COUNTY,
Defendants.
-----X

ORDER

22 CV 6487 (VB)



Plaintiff, who is proceeding pro se and in forma pauperis, brings claims under 42 U.S.C. § 1983 for violations of his constitutional rights. (Doc. #1).

On September 16, 2022, the Court entered an Order of Service directing the U.S. Marshals Service to serve process on defendants Kedar and Orange County. (Doc. #7).

On December 16, 2022, the U.S. Marshals Service docketed a Return of Service Unexecuted form as to Kedar. (Doc. #10). On January 3, 2023, Orange Country provided a new service address for Kedar. (Doc. #16).

On January 5, 2023, the Court issued an Amended Order of Service ordering the U.S. Marshals Service to effectuate service upon Kedar at the new address. (Doc. #20). The January 5 Order extended plaintiff's deadline pursuant to Fed. R. Civ. P. 4(m) to serve Kedar to April 25, 2023, and was mailed to plaintiff at the address on the docket.

On May 1, 2023, the docket indicated Kedar had not been served, and plaintiff had not requested an extension of time to do so. Accordingly, the Court sua sponte extended plaintiff's deadline to serve Kedar pursuant to Fed. R. Civ. P. 4(m) to June 30, 2023. (Doc. # 22). The May 1 Order directed plaintiff to request an extension of time to serve Kedar if the U.S. Marshals Service did not complete service by the June 30 deadline.

To date, there is no indication on the docket that Kedar has been served, and plaintiff has not requested an extension of time to serve him.

Accordingly, it is HEREBY ORDERED:

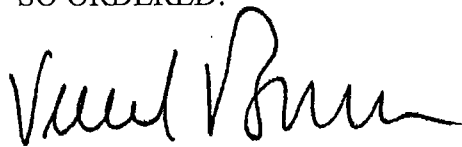
1. Plaintiff's deadline pursuant to Fed. R. Civ. P. 4(m) to serve Defendant Kedar is sua sponte extended to September 5, 2023.
2. **If plaintiff fails to serve Kedar or to request an extension of time to do so by September 5, 2023, the Court may dismiss this action under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute and to comply with Court orders.**

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: July 6, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge